

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

On October 4, 2011, the undersigned ordered that “[Plaintiff] shall respond to the motion to dismiss (Docket No. 9) by October 19, 2011, failing which the action will be dismissed for failure to prosecute.” Plaintiff has filed no response, and the time for response has long expired.

Accordingly, **IT IS RECOMMENDED** that this action be dismissed for Plaintiff's failure to prosecute. Further, **IT IS ORDERED** that Plaintiff's motion for a hearing (Docket No. 15) is **DENIED** as without merit.

This the 18th day of January, 2012.

/s/ P. Trevor Sharp

United States Magistrate Judge